

Senate Bill 538

By: Senator Sims of the 12th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To provide for the consolidation and unification of the existing governments of the City of Albany and Dougherty County; to provide for the creation of the consolidated government of Albany-Dougherty County; to provide for the status, boundaries, and powers of the consolidated government; to provide for the form of, administration of, and affairs of the consolidated government; to provide for officers and employees, elections, courts, taxation, and finance; to provide for other related matters; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

The following provisions, exclusive of the Table of Contents which is included solely as a convenience to the reader, shall constitute and may be referred to as the charter of the consolidated government of Albany-Dougherty County.

TABLE OF CONTENTS

ARTICLE I

**CONSOLIDATION AND UNIFICATION, CREATION, BOUNDARIES, STATUS, AND
POWERS OF CONSOLIDATED GOVERNMENT**

- Section 1-101. Consolidation and Unification of County and City; Creation of Consolidated Government; Name.
- Section 1-102. Boundaries.
- Section 1-103. Status as Municipal Corporation and County.
- Section 1-104. Definitions.
- Section 1-105. Powers of the Consolidated Government.
- Section 1-106. Taxing Districts.
- Section 1-107. Construction.

- 24 ARTICLE II
25 LEGISLATIVE BODY
26 Chapter 1
27 The Commission
- 28 Section 2-101. Name.
29 Section 2-102. Composition and Election.
30 Section 2-103. Term of Office; Qualifications; Disqualifications.
31 Section 2-104. Salary and Expenses of the Commission.
32 Section 2-105. Organization; Oath; Rules; Meetings; Quorum; Records.
33 Section 2-106. Powers of the Commission.
34 Section 2-107. Filling of Vacancies.
- 35 Chapter 2
36 Legislative Procedure
- 37 Section 2-201. Legislation by Ordinance.
38 Section 2-202. Introduction, Consideration, and Passage of Ordinances and Resolutions.
39 Section 2-203. Emergency Ordinances.
40 Section 2-204. Authentication; Recording; Effective Date.
41 Section 2-205. Codes of Technical Regulations.
42 Section 2-206. Codification and Printing of Ordinances.
43 Section 2-207. Prima-Facie Evidence.
- 44 Chapter 3
45 Ethics and Prohibited Practices
- 46 Section 2-301. Conflict of Interest.
47 Section 2-302. Disclosure.
48 Section 2-303. Testimony of Public Officials Relating to Public Affairs.
49 Section 2-304. Contracts Voidable and Rescindable.
50 Section 2-305. Hearings and Determinations; Penalties for Violations.

51 ARTICLE III
52 CHIEF ELECTED OFFICIAL

- 53 Section 3-101. Election; Term; Name.
54 Section 3-102. Qualifications of Office.
55 Section 3-103. Compensation.
56 Section 3-104. Powers and Duties.
57 Section 3-105. Vacancy in Office of CEO
58 Section 3-106. Chief Elected Official Pro Tem

59 ARTICLE IV
60 ADMINISTRATION
61 Chapter 1
62 Officers

- 63 Section 4-101. Manager; Appointment; Qualifications; Compensation; Residence.
64 Section 4-102. Powers and Duties of the Manager.
65 Section 4-103. Attorney.
66 Section 4-104. Clerk.
67 Section 4-105. Law Enforcement; Chief of Police.
68 Section 4-106. Sheriff.
69 Section 4-107. Judge of the Probate Court.
70 Section 4-108. Clerk of Superior Court.
71 Section 4-109. Tax Department; Director.
72 Section 4-110. Coroner.
73 Section 4-111. Departments under State Law.

74 Chapter 2
75 Personnel

- 76 Section 4-201. Establishment of Personnel System.
77 Section 4-202. Existing Pension Rights Protected.
78 Section 4-203. Establishment of New Pension Systems.

79 Chapter 3
80 Boards, Commissions, and Authorities

81 Section 4-301. Certain Boards, Commissions, and Authorities Continued.
82 Section 4-302. Boards, Commissions, and Authorities; Appointments Thereto.
83 Section 4-303. Water, Gas, and Light Board.

84 ARTICLE V
85 JUDICIARY

86 Section 5-101. Superior Court and District Attorney; Unaffected by Charter; Redesignation.
87 Section 5-102. State Court and Solicitor-General; Unaffected by Charter; Redesignation.
88 Section 5-103. Juvenile Court; Unaffected by Charter; Redesignation.
89 Section 5-104. Probate Court; Unaffected by Charter; Redesignation.
90 Section 5-105. Magistrate Court; Unaffected by Charter; Redesignation.
91 Section 5-106. Municipal Court of the City of Albany; Continuation of Operations in the
92 Consolidated Government.
93 Section 5-107. Circuit Public Defender Office.

94 ARTICLE VI
95 ELECTIONS

96 Section 6-101. Applicability of General Laws.
97 Section 6-102. Regular Election, Time for Holding; Nonpartisan Elections; Voting.
98 Section 6-103. Reapportionment of Election Districts.

99 ARTICLE VII
100 REVENUE AND FINANCE
101 Chapter 1
102 Taxation and Other Revenues

103 Section 7-101. Levy and Collection of Taxes, Fees, Charges, and Assessments;
104 Appropriations.
105 Section 7-102. Collection of Delinquent Taxes and Fees.
106 Section 7-103. Homestead Exemptions.
107 Section 7-104. Tax and Services Districts; Taxation Therein.
108 Section 7-105. General, Urban, and Special Services Areas.

109 Chapter 2
110 Borrowing and Indebtedness.

- 111 Section 7-201. Issuance of General Obligation Bonds.
112 Section 7-202. Debt Limitation; General Obligation Bonds.
113 Section 7-203. Revenue Bonds.
114 Section 7-204. Use of Bond Proceeds.
115 Section 7-205. Allocation of Indebtedness.

116 Chapter 3
117 Financial Administration

- 118 Section 7-301. Fiscal Year.
119 Section 7-302. Preparation of Budgets.
120 Section 7-303. Scope of Budgets.
121 Section 7-304. Submission of Budgets to the Commission.
122 Section 7-305. Adoption of Budgets.
123 Section 7-306. Property Tax Levies.
124 Section 7-307. Limitation of Funds.
125 Section 7-308. Transfer of Funds.
126 Section 7-309. Lapse of Appropriations.

127 Chapter 4
128 Procurement and Disposition of Property

- 129 Section 7-401. Contracting Procedures.
130 Section 7-402. Sale and Disposition of Property.

131 ARTICLE VIII
132 GENERAL PROVISIONS

- 133 Section 8-101. Application of Laws; Laws in Force.
134 Section 8-102. Tort and Nuisance Liability.
135 Section 8-103. Competitive Bidding.
136 Section 8-104. Execution of Assessments.
137 Section 8-105. Authority to Deal with Federal and State Agencies.
138 Section 8-106. Federal and State Aid.

- 139 Section 8-107. Amending Charter.
140 Section 8-108. Examples of Powers.
141 Section 8-109. Effect of Repeals.
142 Section 8-110. Severability Clause.
143 Section 8-111. Repeal of Conflicting Laws.

144 ARTICLE IX
145 TRANSITION PROVISIONS

- 146 Section 9-101. Provision of Services During Transition.
147 Section 9-102. Protection and Compensation of Existing Employees.
148 Section 9-103. Effective Date of Charter.
149 Section 9-104. Initial Budget.
150 Section 9-105. Number of Employees.
151 Section 9-106. Cooperation of Former Governments.
152 Section 9-107. Existing Ordinances and Resolutions Continued in Effect.
153 Section 9-108. Contracts and Obligations.
154 Section 9-109. Dissolution of Existing Governments.
155 Section 9-110. Transfer of Records and Equipment.
156 Section 9-111. Officers Serve Until Successors Qualify.
157 Section 9-112. Changes Required by the United States Justice Department.
158 Section 9-113. Referendum on the Charter.

- 159 Appendix A: Commission Districts
160 Appendix B: Transition Plan and Schedule

161 PROPOSED CHARTER OF
162 ALBANY-DOUGHERTY COUNTY, GEORGIA

163 ARTICLE I
164 CONSOLIDATION AND UNIFICATION, CREATION, BOUNDARIES, STATUS, AND
165 POWERS OF ALBANY-DOUGHERTY COUNTY

166 SECTION 1-101.

- 167 Consolidation and unification of county and city; creation of consolidated government;
168 name.

(a) The governmental and corporate powers, duties, and functions now vested in the governing authority of the City of Albany, a municipal corporation incorporated by an Act of the General Assembly of Georgia, approved August 18, 1923 (Ga. L. 1923, p. 370), as amended, are consolidated and unified with the governmental and corporate powers, duties, and functions of Dougherty County. This consolidation and unification shall result in the creation and establishment of a single county-wide government with powers and jurisdiction throughout the territorial limits of Dougherty County. The consolidated government shall be a new political entity, a body politic and corporate, and a political subdivision of the state to be known as Albany-Dougherty County having all the governmental and corporate powers, duties, and functions previously held by and vested in the City of Albany and in Dougherty County and also the powers, duties, and functions provided in this charter.

(b) Albany-Dougherty County shall be a public corporation; shall have perpetual existence; shall adopt a common seal; shall, without the necessity or formality of a deed, bill of sale, or other instrument of transfer, own, possess, and hold all the properties of whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and personal property theretofore owned, possessed, enjoyed, or held by the City of Albany or Dougherty County; and by the name of Albany-Dougherty County shall be capable of suing and being sued when authorized by this charter and by the Constitution and laws of the State of Georgia.

(c) On the effective date of this charter, the political subdivision known as Dougherty County and the municipal corporation known as the City of Albany shall be consolidated, unified, and merged into the new political entity created by this charter.

(d) The consolidation and unification of the governments of the City of Albany and Dougherty County is authorized pursuant to the provisions of Article IX, Section III, Paragraph II(a) of the Constitution of the State of Georgia of 1983, as amended.

SECTION 1-102.

Boundaries.

Albany-Dougherty County shall embrace the total area included within the existing territorial limits of Dougherty County as such limits are established on the effective date of this charter, provided that such limits may be altered and changed from time to time as provided by the Constitution and laws of the State of Georgia pertaining to counties.

200 **SECTION 1-103.**

201 Status as municipal corporation and county.

202 Albany-Dougherty County shall be deemed to be both a municipal corporation and a county
203 throughout the total territorial limits of said government.

204 **SECTION 1-104.**

205 As used in this charter the term:

206 (1) 'Consolidated government' means the consolidated government of Albany-Dougherty
207 County.

208 (2) 'Administrative entity' means any board, commission, authority, division, agency,
209 bureau, office, department, or position of public employment of the consolidated
210 government.

211 **SECTION 1-105.**

212 Powers of the consolidated government.

213 (a) Albany-Dougherty County shall have all rights, powers, duties, privileges, and authority,
214 whether express or implied, that may now be vested in or hereafter granted to counties,
215 municipal corporations, or both by the Constitution and laws of Georgia.

216 (b) In addition to the rights, duties, powers, privileges, and authority expressly conferred
217 by this charter, the consolidated government shall have the right, duty, power, privilege, and
218 authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and
219 immunities necessary and proper to promote or protect the safety, health, peace, security, and
220 general welfare of the consolidated government and its inhabitants and to exercise all implied
221 powers necessary to carry into execution all powers granted in this charter as fully and
222 completely as if such powers were fully enumerated in this charter and to do and perform all
223 of the acts pertaining to its property, affairs, and local government which are necessary or
224 proper in the legitimate exercise of its corporate powers and governmental duties and
225 functions.

226 (c) The consolidated government shall have and be vested with, to the same extent as if
227 repeated in this charter, all rights, powers, duties, privileges, and authority that the mayor and
228 Board of Commissioners of the City of Albany or the Board of Commissioners of Dougherty
229 County, or both, have under the Constitution and general and local laws of the State of
230 Georgia at the time of the adoption of this charter. Such authority shall include but not be
231 limited to the authority to adopt home rule ordinances and resolutions as provided in Article
232 IX, Section II of the Constitution of the State of Georgia.

(d) No enumeration of any right, power, privilege, or authority shall be construed as limiting or abolishing any right, power, privilege, or authority set forth in this charter.

(e) In addition to and supplementary to all other powers which it may possess, and by way of illustration and not of limitation, the consolidated government shall have the powers specifically enumerated in Section 8-108 of this charter.

SECTION 1-106.

Establishment of services districts.

(a) Albany-Dougherty County will initially be divided into two services districts. At least one of such districts shall be known as the General Services District. The General Services District shall consist of the total area of Dougherty County. In addition, there shall be an Urban Services District which shall initially include the territory of the former City of Albany. The purpose of establishing services districts is to ensure that the citizens of Albany-Dougherty County will pay for the services that they receive but will not pay for a service that they are not receiving. The boundaries of the Urban and General Services Districts; taxation, fees, and services within those districts; and the methods for changing district boundaries or services and for creating new districts are set forth in this charter.

(b) Taxes and service fees shall be assessed, levied, and collected in accordance with the kind, character, type, degree, and level of services provided by the government within said service districts, and the rate and manner of taxation and service fees may vary in any one district from that in another or other districts.

(c) The consolidated government may also establish special services districts which shall embrace such territory or territories for which provision is made by the commission for different types and levels of services or additional or higher levels of services provided by the unified and consolidated government. In the establishment of special services districts, the commission shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be published in the official legal organ of Albany-Dougherty County at least once a week during the two weeks immediately preceding the date of hearing.

(d) The consolidated government shall perform within the General Services District those governmental duties, functions, and services which are generally available and accessible to all residents throughout the total area of said government.

(e) The consolidated government shall perform within the Urban Services District those additional, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such Urban Services District.

(f) The consolidated government shall perform within its special services districts those different or additionally selected, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such special services districts.

(g) Except as otherwise provided by this charter, urban and special services districts of the consolidated government shall be created or modified only by an ordinance duly adopted by the commission under such general rules, procedures, regulations, requirements, and specifications as established by the commission; provided, however, that no new urban or special service district shall be created nor any existing urban or special services district abolished or modified without providing an opportunity for interested persons to be heard by publishing a notice of a public hearing on the proposed expansion, consolidation, reduction, or creation of an urban or special services district in the official legal organ of Albany-Dougherty County at least once a week during the two weeks immediately preceding the date of hearing. Such rules and regulations adopted by the commission shall set forth the manner and method for the creation of new urban and special services districts; the modification of existing urban or special services districts; requirements for defining functions and policies for rendering services; changes in levels of services within existing services districts; the transfer of territory from one services district to another; requirements for defining boundaries of services districts; procedures for the modification of existing services districts; and requirements for defining boundaries of services districts.

(h) The consolidated government is empowered to create new services and eliminate existing services by the same procedures and methods stated above.

(i) Citizens of any area in the county may request additional services by petitioning the consolidated government according to the rules, procedures, and guidelines established by the consolidated government.

SECTION 1-107.

Construction.

The powers of the consolidated government shall be construed liberally in favor of the consolidated government. The specific mention or failure to mention particular powers in this charter shall not be construed as limiting in any way the general powers of the consolidated government as provided in this article. It is the intention of this charter to grant to the consolidated government full power and right to exercise all governmental authority authorized by the Constitution and laws of Georgia which is necessary for the effective operation and conduct of the consolidated government within its territory and for the conduct of all of its affairs.

ARTICLE II

LEGISLATIVE BODY

Chapter 1

The commission

SECTION 2-101.

Name.

There is created the "Commission of Albany-Dougherty County."

SECTION 2-102.

Composition and election.

The Commission of Albany-Dougherty County shall consist of eight members, who shall be elected from eight single-member districts as provided in Appendix A of this charter. Each member of the commission shall be elected by the voters of the district he or she represents. Each commissioner shall be elected in nonpartisan elections as provided for in Article 6 of this charter and Chapter 2 of Title 21, the "Georgia Election Code."

SECTION 2-103.

Term of office; qualifications; disqualifications.

(a) The term of office of all members of the commission shall be four years with members serving staggered terms as provided in subsection (a) of Section 6-102 of this charter and until their successors are elected and qualified, except that a commissioner appointed to fill a vacancy shall serve only for the balance of the unexpired term. All terms of office following the initial terms shall commence at the first regular meeting in January next following the election. There shall be no limit on the number of terms an individual may serve as a commissioner.

(b) A candidate for the commission shall specify the single-member district for which such person is offering for election. Each candidate shall be nominated and elected by a majority of the qualified electors voting in such single-member district. No person shall be eligible for election or appointment to the commission unless such person shall, on or before the date of election or appointment, have attained the age of 21, be a qualified voter of Albany-Dougherty County, and have resided within the county and within the district from which elected for at least one year prior to the election. For purposes of the first election only, a candidate is required to have resided within the county for at least one year prior to

election and within the territorial limits of the district from which elected on the date of qualifying for election. A member of the commission shall continue to reside within the district from which elected during such member's term of office. Failure of a member to continue to reside within the district from which elected or appointed during such member's term of office shall result in forfeiture of office.

(c) No member of the commission, during that member's term of office, shall hold any other federal, state, or local government elective office.

SECTION 2-104.

Salary and expenses of the commission.

(a) The members of the commission shall be compensated at the rate of \$15,000.00 per year from funds of Albany-Dougherty County. Upon attaining certification as either a certified county commissioner or as a certified municipal official pursuant to completion of a voluntary course of training administered by the Carl Vinson Institute of Government, each commissioner shall be compensated an additional \$15,000.00 per year. A commissioner who is certified at the time of taking office shall automatically receive the higher rate of compensation.

(b) In addition to the salary provided, any commissioner shall be reimbursed for actual expenses incurred by such member in carrying out the responsibilities of the consolidated government of Albany-Dougherty County. Procedures governing the reimbursement of expenses shall be set by the commission.

(c) The salary and expense allowance of members of the commission may be changed by ordinance, subject to the following conditions:

(1) No action to increase the salary or expense allowance of commissioners shall be taken until notice of intent to take the action has been published in the official legal organ of Albany-Dougherty County at least once a week for three successive weeks immediately preceding the week during which the action is taken;

(2) Any action to increase the salary of commissioners shall not become effective until the date of commencement of the terms of those commissioners elected at the next regular election following such action; and

(3) No action to increase the salary of commissioners shall be taken during the period between the date when candidates for election to the commission may first qualify as candidates and the date when members of the Commission take office following their election.

370

SECTION 2-105.

371

Organization; oath; rules, meetings; quorum; records.

372

(a) The commission shall hold its organizational meetings on the second Monday in January following the general election. At such meetings, the newly elected or reelected commissioners shall each take the following oath of office, to be administered by the judge of the probate court:

376

"I do solemnly swear (or affirm) that I will well and truly perform the duties of the office of commissioner of Albany-Dougherty County and that I will support and defend the charter thereof and the Constitution and laws of the State of Georgia and of the United States."

377

378

379

380

(b) The commission shall, by majority vote, adopt rules of procedure governing the conduct of meetings and the transaction of its business consistent with the provisions of this charter. The commission shall comply with the open and public meeting requirements of Chapter 14 of Title 50 of the O.C.G.A. The commission shall provide for the keeping of minutes of its proceedings which shall be a public record.

381

382

383

384

385

(c) The commission shall hold at least one regular meeting each month. The Commission shall, at its first organization meeting, adopt by ordinance the time, date, and place for regular meetings.

386

387

388

(d) Special meetings of the commission may be called by the CEO or by any two commissioners upon no less than 24 hours' written notice to each member served personally or left at the usual place of business or residence of such member. Notice of a special meeting may be waived in writing by any member either before or after the meeting, and the requirement of notice of such meeting shall be deemed waived as to those commissioners attending such meeting. Special meetings must be preceded by a minimum of 24 hours' notice to the public of the time, place, and subject matter of the special meeting.

389

390

391

392

393

394

395

(e) Five members of the commission shall constitute a quorum for the transaction of business. No official act which is to have the force and effect of law shall be valid or binding unless adopted by the affirmative vote of at least five members of the board.

396

397

398

(f) All meetings of the Commission, except for those exceptions provided for in general law, shall be public and any citizen shall have access to the minutes and records thereof at reasonable times.

399

400

SECTION 2-106.

Powers of the commission.

(a) All legislative powers of the consolidated government of Albany-Dougherty County including any such powers which may hereafter be conferred by law upon said government, shall be vested exclusively in and exercised by the commission in accordance with the provisions of this charter.

(b) In addition to its legislative powers, the commission shall specifically have the power to:

(1) Approve, amend, or reject the budget;

(2) Appoint the manager and attorney and judge of the municipal court;

(3) Remove from office the manager and attorney and judge of the municipal court by majority vote of the entire commission; and

(4) Call special meetings of the commission upon agreement of any two commissioners.

(c) Except as otherwise provided by the Constitution or general or local law or this charter, the commission may appoint members to any external advisory committee, commission, or other body. Any commissioner may recommend appointments to such external committees, commissions, or other bodies of the consolidated government.

(d) In the exercise of its powers, the commission shall adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this charter and for the promotion and protection of the safety, health, peace, security, and general welfare of the inhabitants of the consolidated government and may enforce such ordinances, resolutions, rules, and regulations by imposing penalties for violations thereof, as prescribed by ordinance, by a fine not exceeding \$1,000.00.

(e) Except as otherwise provided by the Constitution or general or local law or this charter, the commission may by ordinance create, change, alter, combine, abolish, consolidate, and redefine the manner of appointment, membership, powers, and duties of administrative entities of the consolidated government, including positions of public employment, and may transfer and delete functions and assign additional functions to any administrative entity. The commission may by ordinance transfer all the assets, liabilities, and obligations thereof to the consolidated government, which shall have the power, and its duty shall be, to perform and exercise all the functions and powers theretofore performed and exercised by the prior entity.

(f) Subsection (e) of this section shall not apply to any authorities or boards which were created by either a local constitutional amendment or by a local Act of the General Assembly.

437 (g) The commission shall have the power to conduct or cause to be conducted inquiries and
438 investigations of an administrative entity of the consolidated government. In conducting
439 inquiries and investigations, the commission shall have the right to administer oaths;
440 subpoena witnesses, documents, records, or other evidence; take testimony; and require the
441 production of evidence. The conduct of proceedings at commission inquiries and
442 investigations shall be subject to such rules and regulations as the commission may prescribe
443 by general ordinance.

444 (h) The commission shall provide for the form of oaths and the amount and condition of
445 surety bonds as may be required of any officer or employee of the consolidated government.

446 (i) The commission shall have and exercise such other powers as conferred upon it by this
447 charter and the laws of Georgia.

448 **SECTION 2-107.**

449 Filling of vacancies.

450 (a) The office of commissioner shall become vacant if a member ceases to reside in the
451 district from which elected or upon a member's death, resignation, or removal from office
452 or forfeiture of office upon the occurrence of any event specified by the Constitution of the
453 State of Georgia, Title 45 of the O.C.G.A., or any other applicable law, now existing or
454 hereafter enacted.

455 (b)(1) In the event that the office of commissioner becomes vacant for any reason, a
456 successor shall be selected as provided in paragraphs (2) and (3) of this subsection.

457 (2) If there are more than six months remaining in the unexpired term, the position shall
458 be filled by special election at the next permissible date for a special election. The special
459 election shall be called by the judge of the probate court as provided by general law. Any
460 person so elected must possess the same qualifications for election as set forth in
461 subsection (b) of Section 2-103 of this charter.

462 (3) If less than six months remain in the unexpired term, the remaining members of the
463 commission shall appoint a successor to fill the unexpired term. Any person so appointed
464 must possess the same qualifications as for election as set forth in subsection (b) of Section
465 2-103 of this charter.

466 Chapter 2
467 Legislative procedure

468 **SECTION 2-201.**
469 Legislation by ordinance.

470 Every official act of the commission which is to have the force and effect of law shall be by
471 ordinance and shall begin with the words: "The Commission of Albany-Dougherty County
472 hereby ordains". All other acts of the commission shall be by resolution or shall take such
473 other form as prescribed by its rules.

474 **SECTION 2-202.**
475 Introduction, consideration, and passage of ordinances and resolutions.

476 (a) Every proposed ordinance and every amendment shall contain not more than one subject
477 which shall be clearly expressed in its title.

478 (b) Every proposed ordinance and every amendment shall be introduced in writing.

479 (c) Prior to the introduction of any ordinance, copies of it shall be prepared by the clerk and
480 distributed to each member of the commission and to the attorney. It shall be the duty of the
481 attorney to review the draftsmanship and impact of each ordinance. All proposed ordinances
482 shall be filed with the clerk not later than noon of the prior business day before the meeting
483 at which the ordinance is to be read for the first time.

484 (d) Before any ordinance shall be passed, the caption or title of the ordinance shall be read
485 twice, and each reading shall be at separate meetings, regular or special, on separate days,
486 provided that by unanimous consent of the members of the commission present, the second
487 reading may be waived and the ordinance considered and voted upon at the first meeting at
488 which the caption is read. Notwithstanding the foregoing, any commissioner may require the
489 ordinance to be read in whole or in part prior to its passage.

490 (e) The adoption of any ordinance shall require an affirmative vote of at least five members
491 of the commission.

492 (f) The passage of all ordinances shall be contingent upon the recording of the "ayes" and
493 "nays" of each commissioner, and the names of the commissioners voting for and against
494 each proposed ordinance or amendment, those abstaining, and those absent shall be entered
495 upon the minutes of the proceedings of the commission.

496 (g) The provisions of this section shall also apply to resolutions, except that resolutions, or
497 their captions or titles, need only be read one time and may be considered and voted upon at
498 the same meeting.

SECTION 2-203.

Emergency ordinances.

To meet a public emergency threatening life, health, property, or public safety, the commission may adopt emergency ordinances; provided, however, that such ordinances may not be enacted to levy taxes; to grant, renew, or extend a franchise; to regulate the rate charged for any public utility or service; or to authorize the borrowing of money unless it shall be repaid in 30 days or less. An emergency ordinance shall be in the form prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain a declaration stating what emergency exists. An emergency ordinance may be adopted with or without amendment or it may be rejected at the meeting at which it is introduced, but the affirmative vote of at least five members of the commission shall be required for adoption. An emergency ordinance shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed on the sixteenth day following the date on which it was adopted; but if the emergency still exists, this shall not prevent reenactment of the ordinance in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 2-204.

Authentication; recording; effective date.

All ordinances which have become law shall immediately be deposited in the official archives of the clerk. The clerk shall note on the face of the ordinance the date and time it has become law and the ordinance shall become effective at noon on the day following its becoming law or at such later time as it may specify. The clerk shall authenticate by his or her signature each ordinance which has become law.

SECTION 2-205.

Codes of technical regulations.

(a) The commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be prescribed for ordinances generally except that:

- (1) The requirements of subsection (c) of Section 2-202 of this charter for distribution of copies of the ordinance to each commissioner and to the attorney shall be construed to

include copies of the code of technical regulations which shall be maintained in the clerk's office, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk as provided in Section 2-204 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for public inspection and for purchase at a reasonable price as fixed by the commission.

SECTION 2-206.

Codification and printing of ordinances.

(a) The commission shall, within two years of the effective date of this charter, provide for the preparation of a general codification of all ordinances of a general or permanent nature. Such code shall be adopted by the commission by ordinance and shall be published promptly in loose-leaf form, together with all amendments thereto, this charter, any amendments hereto, and such codes of technical regulations and other rules and regulations as the commission may specify. This compilation shall be known and cited officially as the "Code of Albany-Dougherty County." As determined by the commission, copies of the code shall be furnished to officers, departments, and agencies of the consolidated government; placed in libraries and public offices for public reference; and made available for purchase by the public at a reasonable price.

(b) Following publication of the first Code of Albany-Dougherty County and from time to time thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for integration therein.

SECTION 2-207.

Prima-facie evidence.

A record or entry made by the clerk or a copy of such record or entry duly certified by the clerk shall be prima-facie evidence of the terms of every ordinance and its due publication.

559 Chapter 3
560 Ethics and prohibited practices

561 **SECTION 2-301.**
562 Conflict of Interest.

563
564 No elected official, appointed officer, or employee of Albany-Dougherty County or any
565 agency or political entity to which this charter applies shall knowingly:

566 (1) Engage in any business or transaction in which the person has a financial interest
567 which is incompatible with the proper discharge of official duties;

568 (2) Disclose confidential information concerning the property, government, or affairs of
569 the governmental body by which such person is engaged or is a member of without proper
570 legal authorization or use that information to advance the financial or other private interest
571 of such person or others;

572 (3) Accept any gift that has a value of \$100.00 or more from any person, firm, or
573 corporation which to his or her knowledge is interested, directly or indirectly, in business
574 dealings with the governmental body he or she is a member of or by which such person is
575 engaged; provided, however, that an elected official who is a candidate for public office
576 may accept campaign contributions and services in connection with any campaign;

577 (4) Represent private interests other than his or her own in any action or proceeding
578 against Albany-Dougherty County or any portion of its government; or

579 (5) Vote or otherwise actively participate in the negotiation or the making of any contract
580 between Albany-Dougherty County and any business or entity in which he or she has a
581 financial interest.

582 **SECTION 2-302.**
583 Disclosure.

584 Any elected official, appointed officer, or employee of the consolidated government or of
585 any administrative entity who shall have any private financial interest, direct or indirect, in
586 any contract or matter pending before or within any department of the consolidated
587 government shall disclose such private interest to the commission. Any commissioner who
588 has a private interest in any matter pending before the commission shall disclose such private
589 interest and such disclosure shall be entered on the records of the commission, and he or she
590 shall disqualify himself or herself from participating in any decision or vote relating thereto.

591 **SECTION 2-303.**

592 Testimony of public officials relating to public affairs.

593 Any officer or employee of the consolidated and government or of any administrative entity
594 who is duly and properly called as a witness before any consolidated government, state, or
595 federal judicial or administrative tribunal and who shall before such tribunal fail to answer
596 any proper question concerning the performance of his or her official duties shall be guilty
597 of a violation of this charter.

598 **SECTION 2-304.**

599 Contracts voidable and rescindable.

600 Any contract between the consolidated government or any administrative entity thereof made
601 in violation of the provisions of this charter shall be voidable or rescindable at the option of
602 the commission at any time if any elected official, appointed officer, or employee of such
603 consolidated government or administrative entity has any interest in such contract and does
604 not disclose such interest in accordance with Section 2-302 of this charter.

605 **SECTION 2-305.**

606 Hearings and determinations; penalties for violation.

607

608 (a) Upon the sworn complaint of any person alleging facts which if true would constitute a
609 violation of this charter, the commission may conduct a public hearing at which the accused
610 shall be given an opportunity to be heard, either personally or through counsel. At the
611 conclusion of such hearing, the commission shall, in written findings of fact and conclusions
612 based thereon, make a determination concerning the propriety of the conduct of the official
613 or employee in question.

614 (b) Any officer or employee of the consolidated government or administrative entity who
615 is found to have knowingly concealed his or her personal financial interest or who is found
616 to have knowingly violated any of the requirements of this charter shall be deemed guilty of
617 malfeasance in office or position. If such decision is upheld after all reviews and appeals
618 provided by the merit system of the consolidated government have been exhausted, the
619 officer or employee shall be subject to such punishment as may be deemed appropriate by
620 the commission and which may include forfeiture of office or position.

621 (c) Any officer or employee of the consolidated government or of any administrative entity
622 who shall forfeit his or her office or position as described in subsection (b) of this section

623 shall be ineligible for appointment or election to or employment in a position in the
624 consolidated government or of any administrative entity for a period of five years thereafter.

625 **ARTICLE III**
626 **CHIEF ELECTED OFFICIAL**

627 **SECTION 3-101.**

628 Election; term; name.

629

630 (a) There is created the office of "chief elected official (CEO) of Albany-Dougherty
631 County." The office of CEO shall be full time. The CEO shall be elected from the
632 consolidated government at large and shall serve for a term of four years and until a
633 successor is elected and qualified. There shall be no limit on the number of terms an
634 individual may serve as CEO.

635 (b) The chief elected official of Albany-Dougherty County is authorized and empowered to
636 use the titles of "mayor" and "chairperson" at the discretion of the CEO.

637 **SECTION 3-102.**

638 Qualifications of office.

639 (a) To be eligible for election as CEO, a person on the date of election must:

640 (1) Have attained the age of 21 years;

641 (2) Have resided in the territory of the consolidated government for at least one year
642 immediately preceding the date of election and must continue such residence therein during
643 the term of office;

644 (3) Be a registered voter of the consolidated government; and

645 (4) Meet any other requirements as established by law.

646 (b) No person elected as CEO shall, during that person's term of office, hold any other
647 federal, state, or local government office.

648 **SECTION 3-103.**

649 Compensation.

650 (a) The CEO shall receive as compensation for the services of this office an annual salary
651 of \$25,000 per year, payable in equal monthly installments from funds of Albany-Dougherty
652 County. Upon attaining certification as either a certified county commissioner or as a
653 certified municipal official pursuant to completion of a voluntary course of training

administered by the Carl Vinson Institute of Government, the CEO shall be compensated an additional \$25,000.00 per year. A CEO who is certified at the time of taking office shall automatically receive the higher rate of compensation.

(b) In addition to the salary provided, the CEO shall be reimbursed for actual expenses incurred in carrying out the responsibilities of the consolidated government of Albany-Dougherty County. Procedures governing the reimbursement of expenses shall be set by the commission.

(c) The salary and expense allowance of the CEO may be changed by ordinance, subject to the following conditions:

(1) No action to increase the salary or expense allowance of the CEO shall be taken until notice of intent to take the action has been published in the official legal organ of Albany-Dougherty County at least once a week for three successive weeks immediately preceding the week during which the action is taken;

(2) Any action to increase the salary of the CEO shall not become effective until the date of commencement of the term of the CEO elected at the next regular election following such action; and

(3) No action to increase the salary of the CEO shall be taken during the period between the date when candidates for election to the office of CEO may first qualify as candidates and the date when the newly elected CEO takes office following the election.

SECTION 3-104.

Powers and duties.

(a) The CEO shall have the power and the duty to:

(1) Serve as the official representative of the consolidated government, including serving as the consolidated government's representative to federal, state, and local governmental bodies and officials;

(2) Set the agenda, after receiving input from members of the commission, the manager, and the public, for meetings of the commission;

(3) Preside over meetings of the commission;

(4) Execute all deeds, contracts, and obligations of the consolidated government, provided such execution shall be attested to by the manager;

(5) Call special meetings of the commission as provided by this charter and by rules of the commission;

(6) Recommend to the commission the adoption of such measures as deemed necessary or expedient;

(7) Recommend to the commission the creation of and appointments to legislative committees and external committees or commissions;

(8) Vote on all matters before the commission in the same manner as any other commissioner. The CEO's authority and duty to vote shall specifically not be limited to voting only in the event of a tie and any reference in this charter or in the ordinances of the consolidated government to a vote of the commission shall be construed to mean a vote of the commission and the CEO; and

(9) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.

(b) The CEO shall not have the power to veto any ordinance or resolution duly enacted or adopted by the commission.

SECTION 3-105.

Vacancy in office of CEO.

(a) In the event that the office of CEO shall be vacant by reason of death, resignation, or any other cause, the vacancy shall be filled by the CEO Pro Tempore who shall serve as CEO with all powers of the CEO until a new CEO is selected as provided below.

(b) If the term of the CEO will expire in less than six months, the CEO Pro Tempore shall serve as the CEO until the next general election when a CEO will be elected.

(c) If the term of the CEO will continue for more than six months, a special election shall be held as provided in general law to elect a new CEO for the remainder of the vacant CEO's term.

SECTION 3-106.

Chief Elected Official Pro Tempore.

(a) The position of Chief Elected Official (CEO) Pro Tempore shall rotate annually among the membership of the commission, beginning with the commissioner elected from District 1, in January immediately following the first election. The term of Chief Elected Official Pro Tempore shall be of one year beginning at the first regular meeting of the commission each year. Whenever it becomes necessary to fill a vacancy in the office, the next commissioner who fills a vacancy rotation shall fill the vacancy for the remainder of that year. A commissioner who fills a vacancy of less than six months shall be eligible to serve the next year term as CEO Pro Tempore.

(b) In the absence of the CEO for any cause, the CEO Pro Tempore shall preside over meetings and discharge the duties of CEO until either the return of the CEO or the election of a new Chief Elected Official.

ARTICLE IV
ADMINISTRATION
Chapter 1
Officers

SECTION 4-101.

Manager; appointment; qualifications; compensation; residence.

(a) The manager shall be appointed by the commission. The appointment shall be by a majority vote of the entire commission. The manager shall be prohibited from engaging in any political activity, and the manager shall not be eligible to qualify as a candidate for an elective office in Albany-Dougherty County for two years after leaving office. The manager shall serve at the pleasure of the commission and may be removed from office by majority vote of the entire commission. The compensation of the manager shall be set by resolution or ordinance.

(b) The commission shall, prior to the appointment of a manager, establish and adopt qualifications for appointment as manager specifically including but not limited to minimum standards of education and professional experience.

(c) The manager need not be a resident of the consolidated government or of the State of Georgia at the time of appointment but must establish residence in the consolidated government within six months after appointment and must retain residence in the consolidated government during his or her tenure as manager.

SECTION 4-102.

Powers and duties of the manager.

(a) The manager shall be responsible for:

- (1) Appointment and removal of department heads;
- (2) Management and supervision of the administration of all administrative entities of the consolidated government except as otherwise provided by law, this charter, or ordinance;
- (3) Preparation, with the assistance of department heads, of the proposed annual operating and capital budgets and capital improvement program and submission to the commission;
- (4) Submitting to the commission and making available to the public a complete report of

the finances and administrative activities of the consolidated government as of the end of the fiscal year and at such other times as the commission directs;

(5) Preparation and presentation of reports to the commission concerning the operations of administrative entities of the consolidated government subject to the manager's management and supervision as may be required by the commission;

(6) Keeping the commission fully advised as to the financial condition and future needs of the consolidated government and making such recommendations to the commission as he or she deems desirable;

(7) Having care and responsibility of all buildings and of all real and personal property of the consolidated government;

(8) Direction and supervision of the administration of the construction, maintenance, and operation of public streets, roads, bridges, drains, buildings, and other public works;

(9) Conferring with and assisting department directors of those departments not directly under the control of the commission but dependent upon appropriations from the commission;

(10) Conferring with and assisting department directors of those departments not directly under the control of the commission but who receive financial support from the consolidated government, such as the constitutional county officers;

(11) Examining the accounts, records, and operations of every administrative entity which receives appropriations from or which contributes revenue to the consolidated government;

(12) Prescribing, requiring, publishing, and implementing standards of administrative, management, and operating practices and procedures to be adhered to by all administrative entities of the consolidated government;

(13) Acting as purchasing agent of the consolidated government and overseeing the administration of the purchasing ordinances and purchasing system;

(14) Attending all meetings of the commission with the right to take part in discussions, but no right to vote. The manager is entitled to notice of all special meetings;

(15) Resolving all disputes or differences between administrative entities, except the commission, with all administrative entities directed to abide by decisions of the manager; and

(16) Performing such other duties as may be required by law, ordinance, or resolution of the commission.

(b) Except for purposes of inquiry and investigation, the commission shall deal with employees of the consolidated government who are subject to appointment and removal by the manager solely through the manager and shall not give directions or orders to any employee, publicly or privately or directly or indirectly.

SECTION 4-103.

Attorney.

- (a) The attorney for Albany-Dougherty County shall be appointed and removed by vote of a majority of the commission. The attorney shall act as the chief legal adviser to the commission, the manager, and all administrative entities of Albany-Dougherty County and shall represent said government in all legal proceedings and perform such other duties prescribed by general law, by this charter, or by ordinance or resolution of the commission.
- (b) The commission shall set the qualifications and compensation of the attorney and any other matters relative to the selection of the attorney.

SECTION 4-104.

Clerk.

- (a) The clerk shall be appointed and removed by a majority vote of the commission.
- (b) The clerk shall be responsible for maintaining all required records of the operations and activities of Albany-Dougherty County, including the minutes of all meetings of the Albany-Dougherty County Commission. Any additional duties of the clerk shall be prescribed by the commission.
- (c) The qualifications and compensation of the clerk shall be as prescribed by the commission in a duly adopted ordinance or resolution.

SECTION 4-105.

Law enforcement; chief of police.

- (a) The police departments of the City of Albany and Dougherty County shall be consolidated on the effective date of this charter. The chief of police of the consolidated government shall be appointed and removed by and subject to the jurisdiction of the manager.
- (b) The chief of police shall discharge and perform the duties with reference to enforcement of the laws and ordinances of the consolidated government and shall perform such other duties as the commission may prescribe by ordinance or resolution.

814 **SECTION 4-106.**

815 Sheriff.

816 The sheriff of Dougherty County in office on the effective date of this charter shall be the
817 sheriff of Albany-Dougherty County. The sheriff shall serve for the same term as provided
818 by law, and the compensation shall be fixed as provided by law. Subsequent elections for the
819 sheriff shall be on the same basis as provided by law for the election of sheriffs generally.
820 The sheriff shall be responsible for the operation of the jail, the transport of prisoners, the
821 service of process, and such other duties as are required of sheriffs by the Constitution and
822 laws of Georgia.

823 **SECTION 4-107.**

824 Judge of the probate court.

825 The judge of the Probate Court of Dougherty County in office on the effective date of this
826 charter shall be the judge of the Probate Court of Albany-Dougherty County. The judge of
827 Probate Court of Albany-Dougherty County shall serve for the same term as provided by
828 law, and the compensation shall be fixed as provided by law. Subsequent elections for the
829 judge of the probate court shall be on the same basis as provided by law for the election of
830 probate judges generally. The judge of the probate court shall perform the same duties and
831 exercise the same powers as conferred on probate judges generally by the Constitution and
832 laws of Georgia.

833 **SECTION 4-108.**

834 Clerk of superior court.

835

836 The clerk of Superior Court of Dougherty County in office on the effective date of this
837 charter shall be the clerk of Superior Court of Albany-Dougherty County. The clerk of
838 superior court shall serve for the same term as provided by law, and the compensation shall
839 be fixed as provided by law. Subsequent elections for the clerk of superior court shall be on
840 the same basis as provided by law for the election of clerks of superior court generally. The
841 clerk of superior court shall perform the same duties and exercise the same powers as
842 conferred on clerks of superior court generally by the Constitution and laws of Georgia.

SECTION 4-109.

Tax department; director.

(a) The tax department for the county, as authorized by local constitutional amendment (Ga. L. 1974, p. 1654) and continued in force and effect by an Act approved March 6, 1987 (Ga. L. 1987, p. 3835) shall continue to function as the tax department of the consolidated government of Albany-Dougherty County and shall have all of the duties and responsibilities as now provided by the laws of the state, or as hereafter provided by the laws of the state, pertaining to county tax collectors, county tax receivers, and county tax commissioners, except as provided in this charter.

(b) The head of the tax department shall be the tax director. The tax director in office on the effective date of this charter shall continue to serve as tax director of Albany-Dougherty County. The tax director shall be appointed by the manager and shall serve at the pleasure of the manager. The compensation of the tax director shall be set in the same manner as other employees of the consolidated government.

SECTION 4-110.

Coroner.

The coroner of Dougherty County in office on the effective date of this charter shall be the coroner of Albany-Dougherty County. The coroner shall serve for the same term as provided by law, and compensation shall be fixed as provided by law. Subsequent elections for coroner shall be on the same basis as provided by law for the election of coroners generally. The coroner shall perform the same duties and exercise the same powers as conferred on coroners generally by the Constitution and laws of Georgia.

SECTION 4-111.

Departments under state law.

All departments which are created pursuant to state or federal law and which administer various state and federal programs and services shall continue their operations without interruption resulting from the adoption of this charter.

871 Chapter 2
872 Personnel

873 **SECTION 4-201.**

874 Establishment of personnel system.

875 The commission shall establish a personnel system and pay plan for all employees under the
876 control of the consolidated government. The system shall be consistent with all state and
877 federal laws. The manager shall oversee the administration of the personnel system and pay
878 plan.

879 **SECTION 4-202.**

880 Existing pension rights protected.

881 Persons who, on the effective date of this charter, are employed by any administrative entity
882 of the former City of Albany or of the former Dougherty County shall retain all pension
883 rights which have accrued to them under any existing pension system. The consolidated
884 government shall continue in force and effect any existing pension system for city employees
885 and any existing pension system for county employees covered thereby who are employed
886 by Albany-Dougherty County, and the services of such employees shall not be deemed to
887 have been interrupted by the adoption of this charter.

888 **SECTION 4-203.**

889 Establishment of new pension systems.

890 The commission is authorized and empowered to establish and maintain a new pension
891 system or pension systems affecting new employees and such other employees as desire to
892 be covered thereby and to revise, combine, consolidate, and unify any pension system in
893 effect on the effective date of this charter; provided, however, that in no event shall any
894 modification of any existing pension system in effect when this charter is adopted result in
895 the curtailment or diminishment of any right accrued under any existing pension system to
896 any person heretofore employed by the City of Albany, Dougherty County, or any
897 administrative entity of such former governments.

898 Chapter 3
899 Boards, commissions, and authorities

900 **SECTION 4-301.**

901 Certain boards, commissions, and authorities continued.

902

903 All existing boards, commissions, and authorities of either the City of Albany, Dougherty
904 County, or both are continued without interruption on the effective date of this charter. As
905 used in the Acts and amendments creating the existing boards, commissions, and authorities,
906 the terms Albany City commission and Dougherty County Board of commissioners shall
907 mean the commission of Albany-Dougherty County, Georgia, and the terms mayor of the
908 City of Albany and chairman of the Dougherty County Board of commissioners shall mean
909 the CEO of Albany-Dougherty County.

910 **SECTION 4-302.**

911 Boards, commissions, and authorities; appointments thereto.

912 Whenever general or local law provides for appointments to boards, commissions, or
913 authorities from both the city and the county, all appointments shall be made by the
914 Albany-Dougherty County commission and all appointees shall come from
915 Albany-Dougherty County.

916 **SECTION 4-303.**

917 Water, gas, and light board.

918 (a) There shall be a board of water, gas, and light commissioners of Albany-Dougherty
919 County, of which the CEO shall be ex officio chairman and shall be entitled to vote on all
920 matters before the board in the same manner as any other member. In addition to the CEO,
921 the board shall consist of four members elected by the commission from the citizens of
922 Albany-Dougherty County. No member of the board shall sell any goods or services to the
923 water, gas, and light department. Citizen members of the board shall be elected for a term of
924 two years beginning on the second Monday in January. Those members in office on the
925 effective date of this charter shall continue to serve for the remainder of the term for which
926 they were elected. Successors to these members shall be elected at the expiration of each
927 term for a term of two years. In the event of a vacancy, the Commission of
928 Albany-Dougherty County shall elect a person to fill the unexpired term within 15 days after
929 the vacancy occurs.

930 (b) The board of water, gas, and light commissioners shall take and subscribe an oath to
931 faithfully and impartially discharge their duties during their continuance in office. The board
932 shall keep a record of its acts and decisions and shall make a full report to the Commission
933 of Albany-Dougherty County quarterly, or at such other interval as set by resolution of the
934 commission. The books, vouchers, and papers of the board shall be subject to inspection at
935 any time by the commission or the manager of Albany-Dougherty County.

936 (c) A majority of the board shall constitute a quorum for the transaction of business. All
937 contracts and engagements and acts of said board within the scope of its authority shall be
938 obligatory upon and be considered as if done by the Commission of Albany-Dougherty
939 County, provided that no election held by the board will be valid unless all members of the
940 board are present and vote.

941 (d) The general manager of the water, gas, and light commission shall be elected by the
942 board and shall serve until a successor is named and qualified. The general manager shall be
943 subject to removal after due notice of the nature of the charge, and for just cause, after a
944 public hearing before the commission and only upon a majority vote of the board of the
945 water, gas, and light commission. The manager shall be the administrative head of the water,
946 gas, and light commission. The compensation of the general manager shall be set by the
947 board of water, gas, and light commissioners.

948 (e) The general manager shall devote his or her time and attention to the affairs of the water,
949 gas, and light commission and shall be responsible to the commission for the efficient
950 administration of the affairs of the commission. The general manager shall have the power
951 and duty:

- 952 (1) To see that all rules and regulations are enforced;
- 953 (2) To appoint and employ all employees of the commission and to set all salaries and
954 compensation of commission employees employed by him or her, subject to supervision,
955 control, or disapproval of the board;
- 956 (3) To exercise supervision and control of departments and divisions within the
957 commission;
- 958 (4) To attend meetings of the water, gas, and light board and take part in the discussions
959 but have no vote;
- 960 (5) To recommend to the board such measures as he or she deems necessary or expedient;
- 961 (6) To see that all terms and conditions imposed in favor of the board or residents of the
962 consolidated government in any public utility franchise are faithfully kept and performed,
963 and to call any violation thereof to the attention of the board;
- 964 (7) To act as budget manager and with such committee as the board may appoint to
965 prepare and submit to the board a budget of proposed expenditures for the ensuing year;

966 (8) To keep the board fully advised as to the financial condition and needs of the water,
967 gas, and light commission and to make a full written report to the board on the first of each
968 month, showing the operations and expenditures of each department for the previous
969 month;

970 (9) To act as purchasing and contracting agent for the commission. The general manager
971 shall solicit competitive prices on all purchases except in the case of sole sources of supply
972 and emergency purchases and approve all vouchers for purchases, provided that all
973 contracts or agreements made by the general manager requiring the expenditure of
974 \$40,000.00 or more shall be approved by the board of water, gas, and light commissioners,
975 except emergency purchases; and

976 (10) To perform such other duties as required by the board of the water, gas, and light
977 commissioners.

978 (f) The board of water, gas, and light commissioners shall regulate the distribution of water,
979 gas, and electricity throughout its service area and shall have the power to establish a scale
980 of utility rates, adopt and enforce rules for the collection of water, gas, and electric utility
981 fees, adopt rules and regulations respecting the introduction of water, gas, and electricity into
982 or upon any premises, and from time to time to regulate the use of water, gas, and electricity
983 in such manner as shall seem necessary and proper. The board shall have power and authority
984 to require payment in advance for use of water, gas, or electricity furnished and may shut off
985 service for nonpayment. The board shall erect such number of public hydrants and stock
986 founts in such places as the board shall see fit and the board shall select in what manner and
987 for what purpose the same shall be used, and the board may charge for their use at its
988 discretion; provided, that all hydrants, conduits, and appliances required and furnished for
989 the extinguishment of fires shall be erected and placed as the Commission of
990 Albany-Dougherty County may direct and shall be under commission's exclusive direction
991 and control.

992 (g) The board of water, gas, and light commissioners shall enter into agreements annually
993 with the commission of Albany-Dougherty County for the transfer of water, gas, and light
994 revenues in excess of the operating costs of the water, gas, and light board to the Commission
995 of Albany-Dougherty County. The water, gas, and light commission shall annually transfer
996 to the Commission of Albany-Dougherty County, in equal monthly installments, each fiscal
997 year, 7.5 percent of the total revenues, both metered and unmetered, of the water, gas and
998 light commission for the preceding calendar year.

999 (h) The moneys received by water, gas, and light commission (WG&L) from the MEAG
1000 Municipal Competitive Agreement created as of January 1, 1999, shall be kept separate from
1001 the other funds of WG&L. WG&L shall maintain custody and control of 33 1/3 percent of
1002 such funds; the balance of such funds shall be made available to the Commission of

1003 Albany-Dougherty County. This requires WG&L, whether such funds are in the form of
1004 credits or otherwise from MEAG, to turn over 66 2/3 percent of such amount to the
1005 Commission of Albany-Dougherty County. Without limiting the generality of the foregoing,
1006 such MEAG credits in favor of WG&L shall result in WG&L, within three business days of
1007 such credit, wire transferring to the commission of Albany-Dougherty County an amount of
1008 money equal to 66 2/3 percent of such credit.

1009 (i) The moneys specified in subsection (h) of this section shall be used solely for the benefit
1010 of the Urban Services District. Additionally, the moneys received by the WG&L for the sale
1011 of electricity, natural gas, fiber optic cable service, water, and any other goods and services
1012 shall be kept separate from those of Albany-Dougherty County and shall be applied as
1013 follows: first, for the maintenance, operation, and repair of said system; second, any and all
1014 indebtedness incurred in the operation of said system, including outstanding bonded
1015 indebtedness or notes, as well as any indebtedness legally incurred in the future; and third,
1016 the balance of such funds to be paid over to the commission of Albany-Dougherty County
1017 solely for the benefit of the Urban Services District.

1018 ARTICLE V

1019 JUDICIARY

1020 SECTION 5-101.

1021 Superior court and district attorney; unaffected by charter; redesignation.

1022 The Superior Court of Dougherty County, including the office of the district attorney, shall
1023 continue its operations without interruption resulting from the adoption of this charter, and
1024 nothing in this charter shall be construed as affecting the status of said court. The court shall
1025 be known as the Superior Court of Albany-Dougherty County.

1026 SECTION 5-102.

1027 State court and solicitor-general; unaffected by charter; redesignation.

1028
1029 The State Court of Dougherty County, including the office of the solicitor-general, shall
1030 continue its operations without interruption resulting from the adoption of this charter, and
1031 nothing in this charter shall be construed as affecting the status of said court. The court shall
1032 be known as the State Court of Albany-Dougherty County.

SECTION 5-103.

Juvenile court; unaffected by charter; redesignation.

The Juvenile Court of Dougherty County shall continue its operations without interruption resulting from the adoption of this charter, and nothing in this charter shall be construed as affecting the status of said court. The court shall be known as the Juvenile Court of Albany-Dougherty County.

SECTION 5-104.

Probate court; unaffected by charter; redesignation.

The Probate Court of Dougherty County shall continue its operations without interruption resulting from the adoption of this charter, and nothing in this charter shall be construed as affecting the status of said court. The court shall be known as the Probate Court of Albany-Dougherty County.

SECTION 5-105.

Magistrate court; unaffected by charter; redesignation.

The Magistrate Court of Dougherty County shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Magistrate Court of Albany-Dougherty County.

SECTION 5-106.

Municipal Court of the City of Albany; continuation of operations in the consolidated government.

On the effective date of this charter the operations and employees of the Municipal Court of the City of Albany shall continue as the operations and employees of a court of the consolidated government of Albany-Dougherty County. The judge of the Municipal Court of the City of Albany shall be authorized to serve as the judge of said court.

SECTION 5-107.

Circuit public defender's office.

The Dougherty Circuit Public Defender's Office shall continue its operations as required under state law without interruption resulting from the adoption of this charter, and nothing in this charter shall be construed as affecting the status of said office.

ARTICLE VI**ELECTIONS****SECTION 6-101.**

Applicability of general laws.

Except as otherwise provided by this charter, primaries and regular and special elections shall be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." As used in said code, the terms "election" or "general election" shall be construed to include the term "regular election" as provided in Section 6-102 of this charter; the term "governing authority" shall include the chairperson and the Commission of Albany-Dougherty County; the terms "municipal," "municipality," and "county" shall include Albany-Dougherty County; and the term "public office" shall include the elective offices of Albany-Dougherty County.

SECTION 6-102.

Regular election; time for holding; nonpartisan elections; voting.

(a) The initial election for the commissioners and CEO shall be held at the November election in 2012. The commissioners shall be elected from eight districts, one member elected from each such district, those numbered districts as described in and attached to and by reference made part of this Act APPENDIX A and further identified as Plan Name: doughOPT1 Plan Type: LOCAL User: staff Administrator: LINDA. The members from the odd-numbered commission districts shall take office on the second Monday in January 2013, for an initial term of two years and until their successors are elected and qualified. The members from the even-numbered commission districts shall take office on the second Monday in January 2013, for an initial term of four years and until their successors are elected and qualified. The successor to the CEO and commissioners elected as set forth above shall be elected at the November election immediately proceeding the expiration of their respective terms of office and such successors shall take office on the second Monday

in January immediately following their election for a term of four years and until their successors are elected and qualified.

(b) When used in the attached commission District Plan, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Dougherty County which is not included in any such district described in the attachment shall be included within that district contiguous to such part which contains the least population according to the decennial census of 2000 for the State of Georgia. Any part of Dougherty County which is described in the attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any district, whenever the description of any such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(c) Only electors who are residents of a commission district may vote for a member of the commission for that district. All electors of the territory of Albany-Dougherty County may vote for the office of CEO.

(d) Except for special elections to fill vacancies in office, all officers who are required by this charter to be elected shall be elected at the regular election immediately preceding the expiration of such person's term of office.

SECTION 6-103.

Reapportionment of election districts.

(a) The election district boundaries of the consolidated government shall be reapportioned following the publication of each federal decennial census of the population of Albany-Dougherty County. Such reapportionment shall be accomplished by the adoption of an amendment to this charter by the General Assembly of Georgia.

(b) The reapportionment of election districts shall comply with the following specifications:

- (1) Each election district shall be formed of contiguous territory and its boundary lines shall be the center lines of streets or other well-defined boundaries as utilized by the United States Bureau of the Census; and

1126 (2) Such election districts shall apply to officials of the consolidated government elected
1127 at the next regular election following such reapportionment.

1128 ARTICLE VII

1129 REVENUE AND FINANCE

1130 Chapter 1

1131 Taxation and other revenues

1132 SECTION 7-101.

1133 Levy and collection of taxes, fees, charges, and assessments; appropriations.
1134

1135 (a) For the purpose of raising revenue for the support and maintenance of the consolidated
1136 government of Albany-Dougherty County, the commission shall have full power and
1137 authority to levy and collect taxes to the extent hereinafter provided and to appropriate funds
1138 and expend money:

1139 (1) For the purposes authorized by this charter;

1140 (2) For the discharge of the powers, duties, obligations, liabilities, and functions specified
1141 in this charter;

1142 (3) For any and all purposes and any and all subjects of taxation for which the City of
1143 Albany or Dougherty County may have been authorized and in accordance with those
1144 authorizations to levy and collect taxes and to appropriate and expend funds under the
1145 Constitution or any general or special law of Georgia applicable to the City of Albany or
1146 Dougherty County on the effective date of this charter; and

1147 (4) For any purpose authorized by the Constitution or any general or special law of
1148 Georgia applicable to municipal corporations and counties generally now of force or
1149 hereafter enacted.

1150 (b) The commission shall have full power and authority to levy and collect the following
1151 taxes, charges, and assessments:

1152 (1) Ad valorem taxes on all real and personal property situated within Albany-Dougherty
1153 County which is subject to taxation for state, county, and municipal purposes, or for any
1154 other public purpose, to the full extent permitted by the Constitution and laws of Georgia,
1155 whether local or general;

1156 (2) Occupation and business taxes and administrative and regulatory fees, as authorized
1157 by the Constitution and general laws of Georgia;

1158 (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided
1159 by law for counties and municipalities;

- 1160 (4) License fees and taxes on insurance companies as authorized by Code Sections 33-8-8
1161 through 33-8-8.6 of the O.C.G.A.;
- 1162 (5) A public utility franchise fee on each electric light and power company, gas company,
1163 telephone and telegraph company, and other public utility making use of the roads, streets,
1164 alleys, or other public ways of the consolidated government for the purpose of rendering
1165 services therein;
- 1166 (6) Franchise fees on cable television systems as now or hereafter provided by law for
1167 counties;
- 1168 (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening,
1169 or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage
1170 structures, or other utility mains and appurtenances from the abutting property owners
1171 under any terms and conditions as provided by ordinance;
- 1172 (8) Fees, assessments, charges, and tolls for sanitary and health services or any other
1173 services rendered inside and outside the limits of the consolidated government under such
1174 terms and conditions as provided by ordinance;
- 1175 (9) All other such taxes, charges, or assessments as the City of Albany or Dougherty
1176 County were authorized and empowered to make and collect upon the effective date of this
1177 charter, which powers may be exercised throughout the area of the consolidated
1178 government, or appropriate portions thereof, including any tax now or hereafter authorized
1179 by state law and the specific mention of any right, power, or authority in this charter shall
1180 not be construed as limiting in any way the general powers of the commission to govern
1181 its local affairs. When authorized by this charter or a statute or the Constitution of the State
1182 of Georgia, the commission shall have full power and authority to assess, levy, charge, and
1183 collect taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on
1184 investments; to accept funds, services, or property from other political subdivisions and
1185 public agencies, either local, state, or national, and from private persons, firms, or
1186 corporations; and to contract with them for any public purpose;
- 1187 (10) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage
1188 purposes by the drink as now or hereafter provided by law for counties and municipalities;
- 1189 (11) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic
1190 beverages within Albany-Dougherty County by wholesale or retail dealers as now or
1191 hereafter provided by law for counties and municipalities. In addition, the commission shall
1192 have the authority to impose, assess, levy, and collect an excise tax upon the sale, transfer,
1193 or dispensing of wine by wholesale or retail dealers within Albany-Dougherty County as
1194 now or hereafter provided by law for counties and municipalities; and
- 1195 (12) Such other taxes and charges as provided by law.

SECTION 7-102.

Collection of delinquent taxes and fees.

The collection of delinquent taxes and fees shall be as provided in state law for the collection of delinquent property taxes by counties.

SECTION 7-103.

Homestead exemptions.

The homestead exemptions provided under the Constitution and laws of Georgia presently in force or as hereafter amended shall be applicable to all such property subject to ad valorem taxes within Albany-Dougherty County.

SECTION 7-104.

Taxing and services districts; taxation therein.

(a) The General Services District as defined and authorized in 7-105 of this charter shall constitute a General Services Tax District wherein the commission shall levy and collect taxes and service fees and shall appropriate funds to perform and discharge those powers, functions, and services provided therein by the consolidated government.

(b) The Urban Services District as authorized in 7-105 of this charter together with any enlargement or modification thereof pursuant to the provisions of this charter, shall constitute an Urban Services Tax District, wherein the commission may levy and collect additional taxes and service fees and may appropriate such additional funds to perform and discharge those additional powers, functions, and additional services provided therein by the consolidated government.

(c) The assessment of real and personal property for ad valorem tax purposes shall be upon a uniform basis throughout the entire area of the consolidated government; provided, however, the rate and manner of additional taxation or fees of services districts may vary in any services tax district from that in another or other services tax districts in such a way as to reflect reasonably the kind, character, type, degree, and level of services afforded to such services tax district or districts.

SECTION 7-105.

General, urban, and special services districts.

(a) In Albany-Dougherty County there shall be:

(1) A General Services District which shall consist of the total area of Dougherty County as fixed and established upon the effective date of this charter or as hereafter modified according to law;

(2) An Urban Services District which shall consist of the area embraced within the corporate limits of the City of Albany as the same exists upon the day immediately preceding the effective date of this charter or as such area may be hereafter expanded as herein provided; and

(3) Such special services districts as the commission may hereafter establish.

(b) All other tax districts existing in the City of Albany or Dougherty County immediately prior to the effective date of this charter are continued in effect by this charter.

(c) Such services areas shall be tax districts wherein taxes and other assessments shall be assessed, levied, and collected by the consolidated government in accordance with the kind, character, type, and degree of services actually provided therein and may vary in any one services area from that of another or other areas in accordance with the provisions of this charter. The powers, authority, duties, liabilities, services, and functions of Albany-Dougherty County may vary in any services districts from that in another or other services district.

(d) The consolidated government is hereby empowered to exercise and provide within the General Services District and within the Urban Services District established by this charter or by ordinance of the commission those powers, functions, and services which have theretofore been exercised and provided by Dougherty County or the City of Albany, or both; all powers, functions, and services authorized by this charter, and any amendments thereto; and all powers, functions, and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of Georgia.

(e) The consolidated government shall perform or procure the performance within the General Services District of those governmental duties, functions, and services which are generally available and accessible to all residents throughout the total territory of the consolidated government.

(f) The consolidated government shall perform within its Urban Services District those additional, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such Urban Services District.

1259 Chapter 2
1260 Borrowing and indebtedness

1261 **SECTION 7-201.**

1262 Issuance of general obligation bonds.

1263 (a) The commission shall be authorized to issue and sell general obligation bonds, after
1264 approval of the qualified voters, under the provisions of the Constitution and general laws
1265 of Georgia for any public purpose for the benefit of the consolidated government or any tax
1266 area or services district thereof; provided, however, that for the purpose of issuing and selling
1267 such general obligation bonds, the consolidated government shall be deemed a county and
1268 the provisions of the Constitution and laws of Georgia governing the limitations, terms, and
1269 procedures for the issuance and sale of bonds by counties shall apply to the consolidated
1270 government unless otherwise provided by this charter.

1271 (b) All general obligation bonds shall be issued in the name of Albany-Dougherty County
1272 and shall be an obligation thereof, and the full faith and credit of the consolidated
1273 government shall be pledged for all general obligation bonds issued thereunder which are
1274 payable from ad valorem taxes, and, for such purpose, the commission shall have the
1275 authority to levy and collect ad valorem taxes without limit as to rate or amount on all
1276 taxable property within the territorial limits of the consolidated government.

1277 **SECTION 7-202.**

1278 Debt limitation; general obligation bonds.

1279 The total general obligation bond indebtedness of the consolidated government payable from
1280 ad valorem taxes including all outstanding general obligation bonds of the former City of
1281 Albany and Dougherty County on the effective date of this charter shall not exceed 10
1282 percent of the assessed value of all taxable property within the territorial limits of the
1283 consolidated government.

1284 **SECTION 7-203.**

1285 Revenue bonds.

1286 The commission shall be empowered and authorized to issue revenue bonds for the purposes
1287 and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the
1288 O.C.G.A., the "Revenue Bond Law."

SECTION 7-204.

Use of bond proceeds.

1289
1290
1291
1292
1293
1294
1295

All revenue derived by the consolidated government from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

SECTION 7-205.

Allocation of indebtedness.

1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324

(a) All general indebtedness of Dougherty County, whether represented by general obligation bonds or otherwise, which may be outstanding upon the effective date of this charter, shall be allocated to the General Services District as defined in paragraph (1) of subsection (a) of Section 7-105 of this charter, and is recognized as the obligation of the General Services District of Albany-Dougherty County. All general indebtedness of the City of Albany, whether represented by general obligation bonds or otherwise which may be outstanding upon the effective date of this charter, shall be allocated to the Urban Services District as is defined in paragraph (2) of subsection (a) of Section 7-105 of this charter. The commission is hereby authorized to levy taxes and otherwise provide for the retirement thereof, subject to the terms of this charter. Any funds in the control of the heretofore existent City of Albany and Dougherty County, now consolidated into Albany-Dougherty County by this charter, which theretofore had been allocated to the retirement of any bonded indebtedness of said municipality and county shall be so applied by the commission.

(b) All general obligation bonds issued prior to the effective date of this charter by Dougherty County and all bonds authorized but unissued by the Dougherty County on the effective date of this charter and thereafter issued by Albany-Dougherty County shall be allocated to the General Services District, and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the General Services District. All general obligation bonds issued prior to the effective date of this charter by the City of Albany and all bonds authorized but unissued by the City of Albany on the effective date of this charter and thereafter issued by Albany-Dougherty County shall be allocated to the Urban Services District, and the principal and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the Urban Services District.

(c) Any revenue bonds issued prior to the effective date of this charter by the City of Albany or Dougherty County under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and any such revenue bonds authorized but unissued by the said city

or county on the effective date of this charter and thereafter issued by Albany-Dougherty County shall be payable as to principal and interest from the revenues or sources and in the manner provided in the proceedings which authorized the issuance of such revenue bonds.

(d) Neither the allocation of bonds to the General Services District nor any of the other provisions of this charter shall impair or diminish any of the rights, revenues, or security and source for payment of any of such bonds or revenue bonds issued by the City of Albany or by Dougherty County prior to the effective date of this charter, or authorized but unissued by the City of Albany or by Dougherty County on the effective date of this charter and thereafter issued by Albany-Dougherty County; and such holders of such bonds or revenue bonds shall have and be entitled to enforce any and all rights, remedies, and security and sources for payment granted such holders by the proceedings which authorized the issuance of such bonds or revenue bonds as fully and to the same extent as if this charter had not been adopted.

(e) Notwithstanding the provisions of subsection (a) of this section, all general indebtedness of the WG&L Board, whether represented by general obligation bonds or otherwise, which may be outstanding on the effective date of this charter shall be allocated to the Urban Services District of Albany-Dougherty County, as defined in paragraph (2) of subsection (a) of Section 7-105 of this charter. The commission shall, within 90 days after taking office, determine whether and in what manner such indebtedness shall be reallocated. The commission is authorized to adopt an ordinance changing the allocation of such debt, after an examination of the records of the WG&L Board, and not less than two public hearings at which the issue is presented to the citizens of Albany-Dougherty County and the customers of the WG&L Board.

Chapter 3

Financial administration

SECTION 7-301.

Fiscal year.

The fiscal year of Albany-Dougherty County shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. The commission may adopt a different fiscal year by ordinance, which shall not be effective until at least six months after the date of adoption thereof. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every administrative entity of the consolidated government, unless otherwise provided by state or federal law.

SECTION 7-302.

Preparation of budgets.

The preparation of an annual operating budget, a capital improvements budget, and such other budgets as required or authorized by state law shall be as prescribed by ordinance and provisions of this charter.

SECTION 7-303.

Scope of budgets.

(a) There shall be at least two annual budgets:

(1) The annual operating budget shall apply only to the operating expenses of the consolidated government;

(2) The capital improvements budget shall apply only to capital improvement expenses of the consolidated government; and

(3) Such other budgets as required or authorized by state law.

(b) Each section of the annual operating and capital improvements and other budgets shall contain with respect to each of the funds of the government of Albany-Dougherty County to which they are applicable:

(1) A reasonable estimate of cash revenues to be received during the ensuing year, classified according to source;

(2) Proposed expenditures detailed by each administrative entity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year and including all debt service requirements in full for such fiscal year; and

(3) Such other information as may be considered necessary or desirable by the manager, the CEO, or the commission.

(c) In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus or fund balance and applicable reserves less any estimated deficit at the end of the current fiscal year.

(d) The capital improvements budget shall describe capital projects anticipated, the proposed expenditures therefor, and the revenues or other sources of funds anticipated to finance such capital projects.

SECTION 7-304.

Submission of budgets to the commission.

(a) In advance of initiating preparations of the annual budgets, the commission shall develop a statement of the general fiscal policies of Albany-Dougherty County, the important features of the budgets, explanations of major changes recommended for the next fiscal year, a general summary of the budgets, and such other comments and information as may be deemed pertinent.

(b) On or before a date fixed by the commission but not later than 60 days prior to the beginning of each fiscal year, the manager of the consolidated government shall submit to the commission a proposed operating budget and a proposed capital improvements budget and such other budgets as necessary for the ensuing fiscal year. Such budgets shall be accompanied by a message from the manager containing the important features of the budgets, explanations of major changes recommended for the next fiscal year, a general summary of the budgets, and such other comments and information as may be deemed pertinent. A summary of the budgets and the manager's message thereon shall be published in a newspaper of general circulation designated as the legal organ of the consolidated government. The operating budget and the capital improvements budget, the budget message, and all supporting schedules shall be filed in the clerk's office and shall be open to public inspection.

SECTION 7-305.

Adoption of budgets.

(a) The commission may approve, amend, or reject the proposed operating budget. The budget as finally adopted must provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues, constituting the resources available of such fund.

(b) The commission shall adopt the final annual operating budget for the ensuing fiscal year not later than the thirtieth day of June of each year and such budget shall be effective for the fiscal year beginning on the first day of July. In the event the commission fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year, with appropriate items prorated accordingly until such time as the commission shall adopt a budget for the ensuing fiscal year. Adoption of the annual operating budget shall take the form of an appropriation ordinance setting out estimated revenues in detail by source and making appropriations

1424 accordingly to fund organizational units, purposes, or activities as set forth in the budget
1425 document.

1426 (c) The amount set out in the adopted operating budget for each organizational unit, purpose,
1427 or activity shall constitute the annual appropriation for such item, and no expenditure shall
1428 be made or encumbrance created in excess of the otherwise unencumbered balance of the
1429 appropriation, or allotment thereof, to which it is chargeable.

1430 (d) The commission shall adopt by ordinance the capital improvements program and capital
1431 budget for the ensuing fiscal year not later than the thirtieth day of June of each year. The
1432 capital budget ordinance shall show in detail the capital expenditures intended to be made
1433 or incurred in the ensuing fiscal year that are to be financed from funds subject to control or
1434 appropriation by the commission and shall be in full conformity with that part of the capital
1435 program applicable to the year which it covers. Amounts specified as intended to be spent
1436 out of new appropriations shall, upon enactment of the capital budget ordinance, constitute
1437 appropriations of such amounts.

1438 **SECTION 7-306.**

1439 Property tax levies.

1440 Following the adoption of the operating and capital improvements budgets for each fiscal
1441 year:

1442 (1) The commission shall levy by ordinance a General Services District tax on all real and
1443 personal property within the General Services District as provided by this charter. The tax
1444 rate set by such ordinance shall be such that a reasonable estimate of cash revenues from
1445 such levy shall be at least sufficient, together with other anticipated revenues, fund
1446 balances, and applicable reserves, to equal the total amount appropriated for each of the
1447 several funds set forth in the annual operating budget for defraying the expenses of the
1448 General Services District for services to be rendered throughout the entire area of
1449 Albany-Dougherty County;

1450 (2) The commission shall levy by ordinance an Urban Services District tax on all real and
1451 personal property within the Urban Services District as authorized by this charter. The tax
1452 rates set by such ordinance for each district shall be such that a reasonable estimate of cash
1453 revenues from such levy shall be at least sufficient, together with other anticipated
1454 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
1455 for each of the several funds set forth in the annual operating budget for defraying the
1456 expenses of different types of services or a higher level of services to be rendered in Urban
1457 Services; and

1458 (3) The commission shall levy by ordinance a special services district tax on all real and
1459 personal property within any special services district as authorized by this charter. The tax
1460 rates set by such ordinance for each district shall be such that a reasonable estimate of cash
1461 revenues from such levy shall be at least sufficient, together with other anticipated
1462 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
1463 for each of the several funds set forth in the annual operating budget for defraying the
1464 expenses of different types of services or a higher level of services to be rendered in a
1465 special services district.

1466 **SECTION 7-307.**

1467 Limitation of funds.

1468 Upon certification by the manager that the revenues or other resources actually realized with
1469 respect to any fund will be less than was anticipated and will be insufficient to meet the
1470 amounts appropriated from such fund, it shall be the duty of the manager upon the instruction
1471 of the commission to limit such appropriations as may be necessary to prevent deficit
1472 operation.

1473 **SECTION 7-308.**

1474 Transfer of funds.

1475 Upon recommendation of the manager, the commission may make interfund or
1476 interdepartmental transfers in the current operating budget or capital improvements budget
1477 at any regular or special meeting called for such purpose, provided funds are available.

1478 **SECTION 7-309.**

1479 Lapse of appropriations.

1480 All unencumbered balances of appropriations in the current operating budget at the end of
1481 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
1482 from which such appropriations were made.

Chapter 4

Procurement and disposition of property

SECTION 7-401.

Contracting procedures.

The commission shall prescribe by ordinance rules and regulations that must be followed in the making of contracts in order to bind the government of Albany-Dougherty County. Except where otherwise provided by law or by ordinance, all contracts of the government of Albany-Dougherty County shall be signed by the CEO and authenticated by the manager.

SECTION 7-402.

Sale and disposition of property.

(a) The commission is authorized to sell any real or personal property owned or held by Albany-Dougherty County and not needed for governmental or other public purposes in such manner as is required in state law for counties, as provided for in Code Sections 36-9-2 and 36-9-3 of the O.C.G.A.

(b) The commission is empowered to authorize the following transactions:

(1) A transfer of any real or personal property owned by Albany-Dougherty County to another governmental entity upon finding that such transfer is in the public interest;

(2) A sale of any such property to another governmental entity; and

(3) An exchange of such property for property that is owned privately or by some other governmental entity. In each instance, whether the property is transferred, sold, or exchanged, the requirements of a public sale shall not be required; but a statement thereof shall be published in the newspaper designated as the legal organ of the consolidated government once a week for the two weeks preceding the day in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(c) Albany-Dougherty County may quitclaim any rights it may have in property not needed for public purposes upon a report by the manager of the consolidated government and the adoption by the commission of a resolution, both finding that the property is not needed for public purposes and that the interest of the government of Albany-Dougherty County therein has no readily ascertainable monetary value.

(d) Whenever in opening, extending, or widening any street, avenue, alley, or public place of Albany-Dougherty County a small parcel or tract of land is cut off or separated by such work from a larger tract of land owned by Albany-Dougherty County, the commission may

1518 authorize the execution and deliverance in the name of the government of Albany-Dougherty
1519 County of a deed conveying said cut-off or separated parcel or tract of land to an abutting or
1520 adjoining property owner or owners in exchange for rights of way in said street, avenue,
1521 alley, or public place, or in settlement of any alleged damages sustained by said abutting or
1522 adjoining property owner. All deeds and conveyances so executed and delivered shall convey
1523 all title and interest the government of Albany-Dougherty County has in such property.

1524 ARTICLE VIII
1525 GENERAL PROVISIONS

1526 SECTION 8-101.
1527 Application of laws; laws in force.

1528 (a) The general laws of the State of Georgia and those general laws of local application
1529 through classification by population shall be applicable to and within the limits of
1530 Albany-Dougherty County.

1531 (b) Local Acts of the State of Georgia which apply specifically to either Dougherty County,
1532 the City of Albany, or both shall be applicable to the consolidated government of
1533 Albany-Dougherty County.

1534 (c) In construing the applicability of provisions of the Constitution and the general laws of
1535 Georgia which apply in general terms to either counties, municipalities, or both and local
1536 Acts of the General Assembly that apply specifically to Dougherty County, the City of
1537 Albany, or both, the following terms as used in such laws shall be construed to include
1538 Albany-Dougherty County as follows:

1539 (1) "County" shall be construed to include Albany-Dougherty County;

1540 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
1541 include Albany-Dougherty County, Georgia;

1542 (3) "Commissioners of roads and revenues," "board of county commissioners," "county
1543 commissioner," and "commissioner" shall be construed to include the commission and the
1544 commissioners of Albany-Dougherty County;

1545 (4) "Council," "mayor and council," "aldermen," "board of aldermen," and "city
1546 commission" shall be construed to include the commission and commissioners of
1547 Albany-Dougherty County, Georgia;

1548 (5) "Chairman of the commissioners of roads and revenues," "chairman of the board of
1549 county commissioners," and "commissioner" shall be construed to include the CEO of
1550 Albany-Dougherty County;

1551 (6) "Mayor" shall be construed to include the CEO of Albany-Dougherty County; and

1552 (7) Any other terms and provisions as used in such Acts to refer specifically to Dougherty
1553 County, the City of Albany, or both and the officers, employees, departments, and agencies
1554 thereof shall be construed to mean Albany-Dougherty County and its officers, employees,
1555 departments, and agencies.

1556 (d) In construing the applicability of laws in force to Albany-Dougherty County, the
1557 following order shall prevail:

1558 (1) The Constitution of the State of Georgia;

1559 (2) The general laws of uniform application now in force or hereafter enacted by the
1560 General Assembly, as distinguished from general laws of local application through
1561 classification by population, applicable to municipal corporations, counties, or both;

1562 (3) The general laws of local application through classification by population;

1563 (4) Special laws applicable to Dougherty County, not in conflict with this charter;

1564 (5) Special laws applicable to the City of Albany, not in conflict with this charter;

1565 (6) This charter and all ordinances and resolutions passed pursuant thereto; and

1566 (7) Existing ordinances and resolutions of the former City of Albany and existing
1567 ordinances and resolutions of the former County of Dougherty not in conflict with this
1568 charter.

1569 **SECTION 8-102.**

1570 Tort and nuisance liability.

1571

1572 The tort and nuisance liability of the consolidated government shall follow the law and rules
1573 of tort liability applicable to counties in Georgia.

1574 **SECTION 8-103.**

1575 Competitive bidding.

1576 All departments and agencies of the consolidated government shall utilize competitive
1577 bidding procedures, as specified in an ordinance of the commission, for all purchases in
1578 excess of an amount provided for in an ordinance of the commission, unless such purchase
1579 shall be otherwise approved by five commissioners at a regular or called meeting of the
1580 commission.

SECTION 8-104.

Execution of assessments.

.

Whenever any tax or special assessment is authorized or empowered to be levied or imposed by this charter which is required to be collected by the consolidated government and such is not paid within the time period specified by the commission and no specific provision is elsewhere provided in this charter for its collection, then the manager shall issue execution in the name of the consolidated government against such person, firm, or entity liable therefor or property subject thereto for such sums as may be due with interest at the legal rate from due date and penalties and costs. The consolidated government shall have the right to enforce payment of such execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued by the manager of Albany-Dougherty County, Georgia, and the levy and sale thereunder shall be governed by general law.

SECTION 8-105.

Authority to deal with federal and state agencies.

The consolidated government shall have the power and authority to participate in, cooperate in, and take all necessary action with respect to any and all projects, programs and undertakings of any nature authorized by any statute, rule, or regulation of the United States, the State of Georgia, or any federal or state agency or instrumentality, including but not limited to community development, highways, aviation, aviation terminals, airports, airport facilities, municipal area or regional development, sewer and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds or a combination thereof for any such purposes in accordance with provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the consolidated government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

SECTION 8-106.

Federal and state aid.

For the purpose of determining its right to receive and for the purpose of receiving state aid or grant in aid from the State of Georgia or from the United States or from any agency or instrumentality thereof or from any other source, public or private, Albany-Dougherty

County shall be deemed a county but shall also be deemed an incorporated municipality. When state aid or other grant in aid is distributed to any county or municipality on the basis of population, area, or both, then the entire population and the total area of Albany-Dougherty County and the population or the area of the Urban Services District or districts, respectively, shall be considered in calculating and determining the basis for such distribution. When state aid or other grant in aid is distributed to any county on the basis of rural area, rural road mileage, or rural population, or any combination thereof, then that area of the General Services District outside of the Urban Services District shall be deemed to constitute a rural area, its road mileage to constitute rural road mileage, and its population to constitute rural population.

SECTION 8-107.

Amending charter.

This charter may be modified, rescinded, changed, or amended by only the following methods:

- (1) An Act of the General Assembly of Georgia; or
- (2) An ordinance adopted by the commission of Albany-Dougherty County, Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia.

SECTION 8-108.

Examples of powers.

The powers of Albany-Dougherty County, Georgia, shall include, but shall not be limited to, the following powers:

- (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable property;
- (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in accordance therewith;
- (3) Business regulation and taxation: to levy, assess, and collect occupational taxes and to license and regulate occupations and businesses. Such taxes may be based on any criteria or combination of criteria permitted by general law;
- (4) Appropriations: to make appropriations and expend funds for support of the consolidated government and any other lawful purpose;
- (5) Debts: to borrow money and issue bonds as authorized by general law;
- (6) Property: to own property and interests in property;

- 1650 (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of the
1651 consolidated government on such terms as the donor may impose;
- 1652 (8) Condemnation: to condemn property inside the consolidated government for present
1653 or future use;
- 1654 (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- 1655 (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe
1656 the conditions of such franchises and contracts;
- 1657 (11) Roadways: to open, maintain, improve, and close streets and roads and to grant
1658 franchises and rights of way thereon;
- 1659 (12) Public facilities: to acquire, operate, and dispose of public buildings, public projects,
1660 parks, cemeteries, recreational facilities, and other public improvements inside the
1661 consolidated government;
- 1662 (13) Building regulation: to regulate the building trades and the construction of buildings
1663 and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and
1664 air-conditioning codes;
- 1665 (14) Planning and zoning: to adopt land use plans and exercise the power of zoning,
1666 subdivision regulation, and the like;
- 1667 (15) Police power: to exercise the police power for the public safety and well-being of the
1668 citizens of the consolidated government;
- 1669 (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon
1670 or adjacent to streets and roads;
- 1671 (17) Health: to prescribe and enforce health and sanitation standards;
- 1672 (18) Pollution: to regulate emissions which pollute the air and water;
- 1673 (19) Fire safety: to fix fire limits and prescribe and enforce fire safety regulations;
- 1674 (20) Public hazards: to provide for the destruction or removal of public hazards;
- 1675 (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling of
1676 garbage and wastes;
- 1677 (22) Water and sewer fees: to fix and collect water and sewer fees;
- 1678 (23) Garbage fees: to fix and collect garbage fees;
- 1679 (24) Nuisances: to define and provide for the abatement of nuisances;
- 1680 (25) Property protection: to preserve and protect the property of the consolidated
1681 government;
- 1682 (26) Prisoners: to provide for public work by prisoners and for their confinement;
- 1683 (27) Animal control: to regulate or prohibit the keeping of animals;
- 1684 (28) Motor vehicles: to regulate the operation and parking of motor vehicles;
- 1685 (29) Pensions: to provide and maintain a system of pensions and retirement for employees
1686 and officers of the consolidated government;

- 1687 (30) Special assessments: to levy, assess, and collect special assessments to cover the cost
1688 of public improvements;
- 1689 (31) Contracts: to enter into lawful contracts and agreements;
- 1690 (32) Agencies: to create, alter, or abolish departments, boards, offices, commissions,
1691 authorities, and agencies of the consolidated government and to confer appropriate
1692 authority upon them;
- 1693 (33) Penalties: to provide penalties for violations of ordinances of the consolidated
1694 government;
- 1695 (34) Police and fire protection: to exercise the power of arrest through appointed
1696 policemen and to operate a fire department;
- 1697 (35) Emergencies: to provide for the determination, proclamation, and combating of
1698 emergencies;
- 1699 (36) Urban redevelopment: to organize and operate an urban redevelopment program; and
- 1700 (37) General health, safety, and welfare: to define, regulate, and prohibit any act, practice,
1701 conduct, or use of property which is detrimental to the health, sanitation, cleanliness,
1702 welfare, and safety of the inhabitants of the consolidated government.

1703 ARTICLE IX

1704 TRANSITION PROVISIONS

1705 SECTION 9-101.

1706 Provision of services during transition.

1707 In order to consolidate and unify the two governments and to assure the common and
1708 continued administration of services currently provided by both the City of Albany and
1709 Dougherty County, on the effective date of this charter all services currently provided by the
1710 county shall be provided through the General Services District to all residents of the county
1711 and all services provided by the city shall be provided through the Urban Services District
1712 to the current residents of the City of Albany. Assuming the continued availability of state
1713 and federal funds, these services arrangements shall apply until modified by the commission.

1714 SECTION 9-102.

1715 Existing employees.

1716 (a) All full-time employees of the City of Albany and Dougherty County and all full-time
1717 employees of any department, office, or agency thereof shall, upon the termination of the city

1718 and county governments and the inception of the consolidated government, become
1719 employees of the consolidated government or of a department, office, or agency thereof and
1720 shall be assigned to duties as similar in nature as may be practicable within the new
1721 government.

1722 (b) Elimination of the duplication of functions shall be addressed through attrition and
1723 reassignment. Therefore, no permanent full-time employee of the City of Albany and
1724 Dougherty County at the time of consolidation and unification shall suffer any reduction of
1725 salary resulting from the adoption of this charter. However, this salary protection shall not
1726 limit the authority of the commission to change employee benefit plans.

1727 (c) Within 12 months of the effective date of this charter the consolidated government shall
1728 have begun implementation of a plan that ensures that all employees performing the same
1729 functions and having the same responsibilities receive uniform salaries by the end of the third
1730 year of operation of the consolidated government.

1731 **SECTION 9-103.**

1732 Initial budget.

1733 (a) The initial budget of Albany-Dougherty County shall be limited to an amount equal to
1734 the combined final budgets of the City of Albany and Dougherty County immediately
1735 preceding consolidation and unification, for the same number of months as the initial budget
1736 up to a maximum of 12 months.

1737 (b) This initial budget limitation shall not apply to any increases needed to satisfy any new,
1738 unfunded state or federal mandates, expenses caused by the occurrence of a natural disaster,
1739 increases needed to fund any step raises due employees of the consolidated government, or
1740 increases needed to keep up with inflation as specified by the United States Consumer Price
1741 Index.

1742 **SECTION 9-104.**

1743 Number of employees.

1744
1745 For the first 12 month period after the effective date of this charter, the total number of
1746 employees of the consolidated government shall not exceed the combined number of
1747 employees authorized for the City of Albany and Dougherty County immediately prior to the
1748 effective date of this charter, except as otherwise specifically mandated by law.

SECTION 9-105.

Cooperation of former governments.

(a) All officers, officials, and employees of the former City of Albany and Dougherty County shall cooperate with and assist the commission, the manager, and other officers of Albany-Dougherty County:

(1) In planning the consolidation and unification of departments, boards, commissions, and agencies of said former governments and in transferring the functions, duties, and responsibilities of such departments, boards, commissions, authorities, and agencies to the appropriate agencies of Albany-Dougherty County; and

(2) In all other respects in order that the transfer of the governments be accomplished in the most orderly manner possible. The officers of Albany-Dougherty County shall be entitled to examine all records, files, and other data in the possession of the former governments and of all officers, officials, employees, and departments thereof.

(b) A schedule for activity during the transition period is contained in the Appendix B attached to and made a part of this charter.

SECTION 9-106.

Existing ordinances and resolutions continued in effect.

(a) Existing ordinances and resolutions of Dougherty County and existing rules and regulations of county departments or agencies, not inconsistent with the provisions of this charter, shall continue in effect as ordinances, resolutions, rules, or regulations of Albany-Dougherty County or the appropriate department or agency thereof until they have been repealed, modified, or amended. However, if there is a conflict between existing ordinances and resolutions of Dougherty County and rules and regulations of county departments or agencies and existing ordinances and resolutions of the City of Albany and rules and regulations of city departments or agencies, those of Dougherty County shall only apply to the area of Albany-Dougherty County which lies outside the Urban Services District.

(b) Existing ordinances and resolutions of the City of Albany and existing rules and regulations of city departments or agencies, not inconsistent with the provisions of this charter, shall continue in effect as ordinances and resolutions of Albany-Dougherty County, Georgia, and shall apply only to the area included within the Urban Services District until they have been repealed, modified, or amended.

(c) In the event of a conflict between any of the ordinances or resolutions continued by this section, the provisions thereof shall apply only to that territory of Albany-Dougherty County

to which such ordinance or resolution applied prior to the effective date of this charter and until such ordinance or resolution is repealed, changed, or amended to eliminate the conflict. (d) Within 24 months of the effective date of the charter, the commission shall have reviewed all ordinances and resolutions and shall take whatever action is necessary to remove any conflicts continued by this section in order to produce a uniform body of ordinances and resolutions which is free of any conflicts and contradictions between such provisions.

SECTION 9-107.

Contracts and obligations.

(a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and other obligations or instruments entered into by Dougherty County or the City of Albany or for the benefit of either the county or the city prior to the effective date of this charter shall continue in effect according to the terms thereof as obligations and rights of Albany-Dougherty County; provided, however, any obligation created by Dougherty County or the City of Albany to become effective after the date of approval of this charter and prior to the effective date of this charter shall be subject to ratification and approval by the commission of Albany-Dougherty County within six months following the effective date of this charter. (b) No pending action or proceeding of any nature whether civil, criminal, judicial, administrative, or other by or against the City of Albany or Dougherty County or an agency or department thereof shall be abated or otherwise affected by the adoption of this charter, and Albany-Dougherty County shall stand substituted as a party in lieu thereof.

SECTION 9-108.

Dissolution of existing governments.

(a) On the effective date of this charter, the charter of the City of Albany, approved August 18, 1923 (Ga. L. 1923, p. 370), as amended, is repealed in its entirety. (b) On the effective date of this charter, the Board of Commissioners of the City of Albany and the Board of Commissioners of the Dougherty County and all the officers thereof and the offices thereof not continued under this charter are abolished, and all emoluments appertaining thereto shall cease. Thereupon, the governments of Dougherty County and the City of Albany shall terminate as separate political entities and all powers, functions, duties, and obligations thereof shall be transferred to and vested in Albany-Dougherty County.

SECTION 9-109.

Transfer of records and equipment.

When an agency of the City of Albany or of Dougherty County is abolished or consolidated by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal property in possession of the same shall be delivered to the agency to which its rights, powers, duties, and obligations are transferred.

SECTION 9-110.

Officers serve until successors qualify.

Notwithstanding any other provision of this charter, any officer performing duties under the government of the City of Albany or Dougherty County shall continue to perform the duties thereof until a successor, whether under the same title of office or another, shall be elected or appointed and qualified to perform the duties, it being the intention hereof that no duty or services shall lapse or be abandoned because of lack of an officer to perform same.

SECTION 9-111.

Changes required by the United States Department of Justice.

The governing authorities of the City of Albany and Dougherty County shall through their legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval. In order to ensure that a referendum on the question of the creation of the consolidated government of Albany-Dougherty County will be held on the earliest possible date, the General Assembly, as provided in Article IX, Section III, Paragraph II(a) of the Constitution of the State of Georgia, hereby authorizes the members of the Albany-Dougherty Governmental Charter commission in consultation with the Dougherty County legislative delegation the power to amend the charter to satisfy any required changes raised by the United States Department of Justice. Upon the receipt of federal preclearance pursuant to this section, the clerk for the governing authority of Dougherty County and the clerk for the governing authority for the City of Albany shall certify the proposed charter.

SECTION 9-112.

Referendum on the charter.

(a) As soon as practicable after receipt of a copy of the certified proposed charter, it shall be the duty of the Dougherty County Superintendent of Elections to call a special election for approval or rejection of the proposed charter. The superintendent of elections shall cause the date and purpose of the election to be published once a week for two calendar weeks immediately preceding the date thereof in the official legal organ of Dougherty County. The ballot shall have written or printed thereon the following:

"() YES Shall the charter reorganizing and consolidating the governments of the City of Albany and Dougherty County and creating a single county-wide () NO government to supersede and replace those governments be approved?"

(b) All persons desiring to vote for approval of the charter shall vote "YES," and those persons desiring to vote for rejection of the charter shall vote "NO." If more than one-half of the votes cast by the qualified voters of Dougherty County residing within the corporate limits of the City of Albany are for approval of the charter and if more than one-half of the total number of votes cast by all the qualified voters of Dougherty County are for approval of the charter, then the charter shall become effective. Otherwise, it shall be void and of no force and effect. The expense of such election shall be borne equally by the City of Albany and Dougherty County.

(c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code".

(d) A qualified voter, as used in this section, shall mean a voter of Dougherty County qualified to vote for members of the General Assembly of Georgia. The superintendent of elections shall certify the returns to the Secretary of State. The superintendent of elections shall also furnish a copy of the certified charter to the Secretary of State. The Secretary of State shall issue a proclamation showing and declaring the result of the election on the approval or rejection of the charter. One copy of the proclamation shall be attached to the copy of the certified charter provided to the Secretary of State. One copy of the proclamation shall be delivered to the clerk of the governing authority of the City of Albany who shall attach the same to the copy of the certified charter. One copy of the proclamation shall be delivered to the clerk of the governing authority of Dougherty County who shall attach the same to the copy of the certified charter.

(e) Whenever a charter for the consolidation and unification of the governments of the City of Albany and Dougherty County has been accepted, the above-certified copies thereof, with the proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate original copies of the charter for all purposes. The certified copy of the charter and

1882 proclamation deposited with the clerk of the governing authority of the City of Albany and
1883 the certified copy of the charter and proclamation deposited with the clerk of the governing
1884 authority of Dougherty County shall subsequently be delivered by them to the successor
1885 government. The successor government may issue certified copies of the charter and any
1886 copy so certified shall be deemed a duplicate original copy of the charter for all purposes.
1887 The Secretary of State is authorized to issue certified copies of the charter on file, and copies
1888 so certified shall be deemed duplicate original copies of the charter of Albany-Dougherty
1889 County for all purposes.

1890 **ARTICLE X**
1891 **GENERAL PROVISIONS**

1892 **SECTION 10-101.**
1893 **Effect of repeals.**

1894 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein
1895 of the repealing Act or by any provision of this charter that disclaims an intention to repeal
1896 or affect enumerated laws.

1897 **SECTION 10-102.**
1898 **Severability clause.**
1899

1900 If any provision of this charter or the application thereof to any person or circumstance is
1901 held invalid, such invalidity shall not affect other provisions or applications of this charter
1902 which can be given effect without the invalid provision or application, and to this end the
1903 provisions of this charter are declared to be severable.

1904 **SECTION 10-103.**
1905 **Effective date of charter.**

1906 Sections 9-111 and 9-112 shall become effective upon the signature of the Governor or upon
1907 this Act's otherwise becoming law. If the referendum provided for in Section 9-112 is
1908 approved by the voters, the remaining sections of this Act shall become effective January 1,
1909 2011. If the referendum provided for in Section 9-112 fails to be approved by the voters this
1910 Act shall be immediately repealed in its entirety.

1911

1912

1913

SECTION 10-104.

Repeal of conflicting laws.

All laws and parts of laws in conflict with this Act are repealed.

1914 Appendix A

1915 Commission districts

1916 For the purpose of electing the eight members of the commission from commissioner
 1917 districts the territory of Albany-Dougherty County shall be divided into the following
 1918 districts as set forth in Plan Name: doughOPT1 Plan Type: LOCAL User: staff
 1919 Administrator: LINDA

1920 Appendix B

1921 Transition plan and schedule

1922 The following transition plan shall govern the implementation of this Act:

1923 Stage 1: Referendum on charter to initial election.

1924 (a) Upon approval of the consolidation and unification of the City of Albany and Dougherty
 1925 County in a referendum as provided in Section 9-113, a transition team shall be formed. The
 1926 transition team will be appointed and charged with anticipating implementation
 1927 responsibilities, issues, and opportunities related to the consolidation and unification of the
 1928 two governments. Their effort will involve collecting data, assembling facts, and presenting
 1929 options to the officials of Albany-Dougherty County when they take office. The transition
 1930 team shall not have any decision-making power and shall serve in an advisory function to the
 1931 new government only until such time as the newly elected officials assume the
 1932 responsibilities described below.

1933 (b) The transition team shall consist of: the city manager; the county administrator; two
 1934 appointees of the Board of commissioners of the City of Albany; two appointees of the Board
 1935 of commissioners of Dougherty County; three members of the Albany-Dougherty County
 1936 Governmental Charter commission, one member selected by the Mayor of the City of
 1937 Albany; one member selected by the Chairperson of the Board of commissioners of
 1938 Dougherty County; and one member selected jointly by the Mayor and Chairman, who shall
 1939 serve as chair of the transition team.

1940 Stage 2: Initial election to taking office.

1941 The newly elected government assumes limited powers to plan for the new government.

1942 During this time, the board of commissioners may exercise the following powers:

- 1943 (1) Begin preparation for the appointment of the manager and attorney;
- 1944 (2) Hold meetings, establish committees, plan the establishment of boundaries of the
- 1945 General and Urban Services Districts, and plan for and schedule the initial organization of
- 1946 Albany-Dougherty County in accordance with the applicable provisions of this charter. The

1947 commission shall be authorized to receive and expend appropriations from the Board of
1948 commissioners of the City of Albany and the Board of commissioners of Dougherty
1949 County for the purposes of performing its responsibilities as provided in this charter;

1950 (3) Begin preparation of the initial budget; and

1951 (4) Begin preparation of plans and schedules for the consolidation and unification of the
1952 various departments and agencies of the City of Albany and Dougherty County;

1953 Stage 3: Taking office under initial budget to begin combining operations.

1954 The Commission of Albany-Dougherty County takes office operating under the initial budget
1955 as provided for in this charter. The budget for Fiscal Year 2011 is prepared. During this
1956 period the government would begin combining operations.

1957 Stage 4: Begin continuing operations under the first consolidated government budget.

1958 The consolidated government begins operations under the first consolidated government
1959 budget.